

USSN 09/941,533

Response

Appendix

Copy of Advisory Action (mailed April 28, 2004)

Copy of page 24 of the **Response After Final** (filed April 7, 2004)

Advisory Action	Application No.	Applicant(s)	
	09/941,533	DERRAA, AMMAR	
	Examiner	Art Unit	COPY
George Fourson	2823		

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

THE REPLY FILED 07 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ they raise the issue of new matter (see Note below);

(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): the rejection under 35 USC 112, paragraph 2.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.

Claim(s) objected to: none.

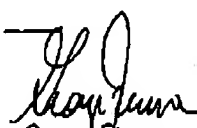
Claim(s) rejected: 1-73,101-129.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

10. ☐ Other: _____


 George Fourson
 Primary Examiner
 Art Unit: 2823

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Response After Final

(filed 04-07-04)

Remarks

Claims 1-73 and 101-129 are pending. Claims 1, 4-5, 23, 35, 101, 106, and 109-110 have been amended.

Claims 35 has been amended to recite "the" heat treatment.

Claims 1, 101, 107, 109 and 110 have been amended to clarify the nature of the "component" as capable of diffusing into and corroding an adjacent metal layer, as described in the specification at page 8 at lines 2-5; page 2 at lines 6-8, and page 3 at lines 16-18.

The amendments are intended to merely clarify language used in the claims, and the scope of the claims is intended to be the same as it was before the amendment in accordance with the invention. No new matter has been added with the amendments.

Rejections under 35 U.S.C. § 112(2)

The Examiner rejected Claims 1-3, 6-10, 35, 101, 106 and 112 under Section 112(2) for the use of indefinite claim language.

Claim 35 has been amended to recite "the" preceding the phrase "heat treatment" as suggested by the Examiner.

The Examiner maintains that the use of "undesirable" in Claims 1-3, 6-10, 101, 106 and 109-112 is unclear. The claims have been amended to recite that the component is capable of diffusing into and corroding an adjacent metal layer, as described in the specification at page 8 at lines 2-5; page 2 at lines 6-8, and page 3 at lines 16-18.

Applicant submits that the claims are clear in their meaning, and satisfy the requirements of Section 112. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103(a)

The Examiner rejected Claims 1, 2, 3-9, 11-14, 16-19, 21-24, 26-28, 30, 31, 34, 35, 37, 38, 40-45, 49, 68, 71, 101-105, 112, 114, 116, 120 and 121 under Section 103(a) as being obvious over Wang (US 2002/0155218) in view of Hu (USP 6,436,820).

The Examiner maintains the rejection of Claim 115 based on the combination of Wang and Hu with Leem (USP 6,436,820) or Japan '220 (Japan 5-267220).